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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,229	08/04/2000	Atsushi Tomita	325772018800	1356
25227	7590	11/02/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/633,229 <i>JK</i>	TOMITA ET AL.
	<b>Examiner</b> Robert W Wilson	<b>Art Unit</b> 2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 July 2004.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8-18 is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

**1.0** The application of Tomita et al. for “CENTRAL MANAGEMENT APPARATUS AND MANAGEMENT SYSTEM” filed 8/4/2000 and amended on 7/2/04 with Foreign Priority based upon JAPAN 11-225834 dated 08/09/1999 was examined. Claims 1-18 are pending.

### ***Claim Rejections - 35 USC § 102***

**2.0** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3.0** **Claims 1-3 & 7** are rejected under 35 U.S.C. 102(e) as being anticipated by Sawada (U.S. Patent No.: 5,933,675).

Referring to **Claim 1**, Sawada (U.S. Patent No.: 5,933,675) teaches: A central management apparatus for managing devices connected to a device management units by data communication with the device management units (3 per Fig 1 or central management apparatus for managing element 2s per Fig 1 or device management units) the central management apparatus comprising:

A memory for storing a fixed-time transmission determined for each device (34 per Fig 2)

A setting unit for setting an allowable time for each device or each device management unit connected to the devices based on a communication method of each device management unit (The applicant broadly claims “allowable time”. The central unit has the ability to determine if a device has not transmitted past a fixed time per col. 2 lines 27-col. 4 line 14 or allowable time. The examiner interprets not transmitting past a fixed time as an “allowable time”; thus, the central unit has a setting unit)

A determination unit for determining that a device has not transmitted data unit the allowable time has elapse after the fixed time store in memory is a non-communicating device (The applicant broadly claims “allowable time”. The central unit stores the fixed time in 34 per Fig 2. The central unit has the ability to determine if a device has not transmitted past a fixed time per

Art Unit: 2661

col. 2 lines 27-col. 4 line 14 or allowable time. The examiner interprets not transmitting past a fixed time as an “allowable time”; thus, the central unit has a setting unit)

**In Addition Sawada teaches:**

Regarding **Claim 2**, further comprising: a fixed-time transmission time setting for setting the next fixed-time transmission time for each device (The central unit transmits a new fixed transmission time per col. 11 lines 35-40)

A transmission for transmitting the set fixed transmission time to the device management unit connected to each device (The central unit transmits a new fixed transmission time to the device management unit which is inherently within the terminal unit per col. 11 lines 35-40 per Fig 1)

Regarding **Claim 3**, wherein the fixed-time transmission time setting unit sets the next fixed-time transmission time in accordance with the communication method of the connected device management unit (The central unit transmits a new fixed transmission time per col. 11 lines 35-40 for the phone communication method per Fig 1).

Regarding **Claim 7**, wherein said devices are image forming apparatus (imaging per Abstract or copying machines per Fig 1 or col. 5 lines 1-39 or image forming apparatus)

***Claim Rejections - 35 USC § 103***

**4.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5.0 Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada et. al. (U.S. Patent No.: 5,933,675)

Referring to **Claim 4**, Sawada teaches: The central management apparatus as claimed in Claim 2, Sawada does not expressly call for: wherein the fixed time transmission time setting unit allows an earlier time to devices having an allowable time set by the setting unit which is longer than devices having an allowable time that is shorter but teaches monitoring of a plurality of terminal devices per Abstract or per col. 2 line 27-col. 4 line 14.

Art Unit: 2661

It would have been obvious to one or ordinary skill in the art at the time of the invention that the because the central control system monitors and remotely controls a plurality of terminal devices in which not receiving a transmission past a fixed transmission time could be varied for each of the terminal devices because they are located in different geographic locations.

***Claim Rejections - 35 USC § 103***

**6.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7.0** **Claims 5 & 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada et. al. (U.S. Patent No.: 5,933,675) in view of Motoyama (U.S. Patent No.; 5,887,216)

Referring to **Claim 5 & 6**, Sawada teaches: The central management apparatus as claimed in Claim 1, wherein the communication includes a first method for transmitting data over a public telephone line per Figure 2.

Sawada does not expressly call for: a second method for transmitting data by an electronic mail over the internet as claimed in Claim 5 or wherein the setting unit sets the allowable time of the device management unit using the first method of communication to be shorter than the allowable time of the device management unit using the second method of communication but teaches a sending reports associated with copiers over a public telephone line per Fig 1.

Motoyama teaches: a second method for transmitting data by an electronic mail over the internet per col 3 line 12-23 as claimed in Claim 5 and wherein the setting unit sets the allowable time of the device management unit using the first method of communication to be shorter than the allowable time of the device management unit using the second method of communication (Sending the reports by connectionless modes like E-Mail are not as dependable as connection oriented like public telephone network per 17 line 1-25. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for a shorter time duration associated with a connection orient communication versus connectionless communication)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the E-Mail communication of status reports of Motoyama to the public telephone network method of communicate reports of Sawada in order to more reliability sending reports over diverse communication networks.

***Allowable Subject Matter***

**8.0** The present invention is directed to a central management apparatus or central management system in which the managed devices are connected via a first and second management unit in which the first and second management units are connected to the central management apparatus or system by two different communication methods. The central management apparatus or system has a memory for storing a first and second transmission time, a first and second counting unit for counting the elapsed time, thresholding units for determining if the elapsed time has been exceed for receiving a transmission from a first and second management units.

The closest prior art is Sawada (U.S. Patent No.: 5,933,675). Sawada discloses a central management apparatus which is connected to the first and second management units associated with different network terminal via a single network. The closest prior art Motoyama (U.S. Patent No.: 5,887,217) discloses sending status reports associated with copiers via either a connection oriented network or a connectionless network but does not teach sending the reports over both networks.

The closest prior art Sawada (U.S. Patent No.: 5,933,675) and Motoyama (U.S. Patent No.: 5,887,217) do not either singularly or in combination anticipate or render the following claim limitation obvious:

“managing devices connected to device management units by data communication with first and second management units using different communication methods” as claimed in **Claim 8**

“a first device management unit for data communication with the central management unit using a first communication method and a second device management unit for data communication with the central management apparatus using a second communication method” as claimed in **Claim 15**.

**In Addition:**

**Claims 9-14** are allowed because they depend upon **Claim 8**

**Claims 16-18** are allowed because they depend upon **Claim 15**.

***Response to Amendment***

**9.0** Applicant's arguments filed 7/2/04 have been fully considered but they are not persuasive.

Art Unit: 2661

The examiner respectively disagrees with the applicant's argument that the reference Sawada (U.S. Patent No.: 5,933,675) fails to teach determination regarding reception/nonreception of communication after an allowed time which is after a fixed time.

The applicant broadly claims "central device which detects when a terminal device has not transmitted information past a fixed transmission time. The reference Sawada (U.S. Patent No.: 5,933,675) teaches a central unit which has the ability to determine if a device has not transmitted past a fixed time per col. 2 line 27-col. 4 line 14 . The examiner has interpreted determining when a device has not transmitted past a fixed time as allowable time.

**10.0 THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Conclusion*

**11.0** The following is prior of interest which was not utilized in rejecting any claims: Alimi et. al. (U.S. Patent No.: 6,741,576) in which he discloses a method of determining if a network station has transmitted within an elapsed time by utilizing a counter and threshold per col. 3 lines 24-30.

Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571/272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Robert W. Wilson*  
Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
October 24, 2004

*Kenneth Vanderpuye*  
KENNETH VANDERPUYE  
PRIMARY EXAMINER